IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
Timothy Kempf, et al.,)	
)	
Defendant.)	No. 06-CR-30138

ORDER

HERNDON, District Judge:

Before the Court are three motions to continue trial submitted by Defendant Timothy Kempf (Doc. 199), Defendant Tina M. Peterson (Doc. 202), and Defendant John R. Laird (Doc. 203). The Court finds that the trial should be postponed because each of these three Defendants and the Government are involved in ongoing discussions concerning a possible plea agreement. In addition, the Court finds that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of justice served by the granting of such a continuance outweigh the interests of the public and the moving Defendants in a speedy trial because failure to grant a continuance would unreasonably interfere with the current plea negotiations, which if successful would serve all parties' interest in a just and efficient outcome. As for any defendant who has not yet agreed to plead guilty or who will never agree to plead guilty, additional time is needed to determine the full impact of all of these pleas and who is and is not

cooperating. Clearly, to go forward now would visit a manifest miscarriage of justice

upon all concerned. Furthermore, the Court finds pursuant to 18 U.S.C. §

3161(h)(7) that since no motion to sever has been filed, the trial should be continued

for the other co-defendants scheduled for trial that day, May 14, 2007: Lawrence

Keniley, Joshua J. Jarvis, Keith D. Kunze, and Kevin M. Kunze (collectively referred

to herein as "Co-Defendants"). A single trial is favored to preserve the resources of

the Court and to promote efficiencies. Therefore, the Court **GRANTS** Defendants

Kempf, Peterson, and Laird's motions to continue (Docs. 199, 202, 203) and

continues the trial scheduled for May 14, 2007 for Defendants Kempf, Peterson,

Laird and the remaining Co-Defendants until July 9, 2007 at 9:00 a.m. The time

from the date Defendant Kempf's motion was raised, April 5, 2007, until the date on

which the trial is rescheduled, July 9, 2007, is excludable time for the purposes of

speedy trial.

IT IS SO ORDERED.

Signed this 9th day of April, 2007.

/s/ David RHerndon

United States District Judge